



State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHYSICAL THERAPY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor

JOHN J. FARMER, JR.
Attorney General

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Director

Mailing Address:
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(973) 504-6455

August 24, 1999

By Certified and Regular Mail

Joseph Mancuso, P.T.
31 John F. Kennedy Drive
Milltown, N.J. 08850

Re: Joseph Mancuso, P.T.
Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Mr. Mancuso:

On November 9, 1993 you appeared before a committee of the New Jersey State Board of Physical Therapy to respond to questions concerning your treatment of K.M. The Board has recently had an opportunity to review your testimony and the information regarding your treatment of patient K.M. following which the Board has preliminarily found that probable cause exists to support a finding that you provided treatment for K.M. which was outside of the scope of the physician direction as required by N.J.S.A. 45:9-37.11 et seq. and beyond those activities authorized to be undertaken without physician direction pursuant to N.J.A.C. 13:39A-2.2 (a). Specifically you acknowledged that, in addition to treating the TMJ area as directed by a dentist referral, on two occasions you treated patient K.M., through pelvic realignment, which treatment was intended to balance out the sacral base of the head and neck to relieve the patient's pain, but was not authorized as a part of a proper physical therapy plan occasioned by a dentist referral. In addition a review of the record revealed that you failed to adequately explain to K.M. the nature of the treatment being performed.

At this juncture, the Board has preliminarily concluded that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. cease and desist from rendering physical therapy treatment beyond the scope of the referral.
2. pay a penalty in the amount of \$1500 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter)

3. assure that all female patients are provided with an appropriate gown or draping and given notice concerning:
 - a) the specifics of a physical examination prior to conducting such an examination or treatment.
 - b) the availability of a chaperone at any time and the requirement for a third person prior to any closed door evaluation or treatment.
4. successfully complete a course in basic patient contact skills, addressing issues of communication, ethics and boundaries, approved in advance by the Board, within six months of the filing of this letter.
5. assure that the questioning of patients as part of a history taking relates to legitimate physical therapy purposes.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order, requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Sharon M. Joyce, who may be reached at (973) 648-4735.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD OF PHYSICAL THERAPY

By: 
Susan Gartland
Executive Director

ACKNOWLEDGMENT: I, Joseph Mancuso, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$1,500 (to be paid upon signing of this acknowledgment), and to successfully complete a course in ethics within six months of the filing of this letter.

Joseph E. Mancuso 1/21/00

Dated: 1/21/00

cc: Sharon M. Joyce, Deputy Attorney General